

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Amending Pittsburg Municipal Code Title 10 to Add)
Chapter 10.61 To Prohibit Spectators at Illegal)
Speed Contests, Exhibitions of Speed, or Side Shows) ORDINANCE NO. 22-

WHEREAS, pursuant to the City's police power under Article XI Section 7 of the California Constitution, the City Council of the City of Pittsburg has the authority to enact and enforce ordinances and regulations for the public peace, morals, and welfare of the City and its residents; and

WHEREAS, vehicle exhibitions and street racing have been a recurring concern for the health and safety of motorists, pedestrians, and residents in the city of Pittsburg. These activities have caused fatal collisions, property damage and traffic congestion, creating a public nuisance; and

WHEREAS, Illegal speed contests, exhibitions of speed, and sideshows pose a clear danger to the residents of the City and the motoring public traveling on the roadways within the City; and

WHEREAS, the purpose of the proposed ordinance is to prohibit spectators at these illegal racing events with the aim of significantly curbing the criminal activity.

NOW, THEREFORE, the City Council of the City of Pittsburg Does ORDAIN as follows:

Section 1. Findings. The City Council finds that each fact set forth in the preceding recitals is true and correct and incorporated by reference.

Section 2. Amendment. Chapter 10.61 is hereby added to Pittsburg Municipal Code Title 10 to read as follows:

Chapter 10.61
SPECTATORS OF ILLEGAL SPEED CONTESTS PROHIBITED

Sections:

10.61.010 Definitions.

10.61.020 Spectating of illegal speed contests, exhibitions of speed, or sideshows prohibited.

10.61.030 Relevant circumstances to prove a violation.

10.61.040 Enforcement.

10.61.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

A. "Illegal motor vehicle speed contest" or "illegal exhibition of speed" means any speed contest or exhibition of speed referred to in Vehicle Code Section 23109, and reckless driving as referred to in Vehicle Code Section 23103.

B. "Preparations for an illegal motor vehicle speed contest, exhibition of speed, or sideshow" include, but are not limited to, situations in which:

1. A group of motor vehicles or individuals has arrived at a location for the purpose of participating in, or being spectators at, the event; or

2. A group of individuals has lined one or both sides of a public street or highway for the purpose of participating in, or being a spectator at, the event; or

3. A group of individuals has gathered on private property without the consent of the owner, operator, or agent thereof for the purpose of participating in, or being a spectator at, the event; or

4. One (1) or more individuals has impeded the free public use of a public street or highway by actions, words, or physical barriers for the purpose of conducting the event; or

5. Two (2) or more vehicles have lined up with motors running for an illegal motor vehicle speed contest, exhibition of speed, or sideshow; or

6. One (1) or more drivers is revving his or her engine or spinning his or her tires in preparation for the event; or

7. An individual is stationed at or near one (1) or more motor vehicles serving as a race starter.

8. "Sideshow" means a gathering, procession, or assemblage of vehicles where vehicles are used to exhibit stunts and maneuvers in the presence of spectators.

9. "Spectator" means any individual who is present at an illegal motor vehicle speed contest, exhibition of speed, or sideshow, or at a location where preparations are being made for such activities, for the purpose of viewing, observing, watching, or witnessing the event as it progresses. "Spectator" includes any individual at the location of the event without regard to whether the individual arrived at the event by driving a vehicle, riding as a passenger in a vehicle, walking, or arriving by some other means.

10.61.20 Spectating of illegal speed contests, exhibitions of speed, or sideshows prohibited.

A. It is unlawful for any individual to:

1. Be knowingly present as a spectator at an illegal motor vehicle speed contest, exhibition of speed, or sideshow; or

2. Be knowingly present as a spectator where preparations are being made for an illegal motor vehicle speed contest, exhibition of speed, or sideshow.

B. An individual is present at an illegal motor vehicle speed contest, exhibition of speed, or sideshow if that individual is on a public street or highway, public property, or on private property without the consent of the owner, operator, or agent thereof, and is within two hundred (200) feet of the location of the event or within two hundred (200) feet of the location where preparations are being made for the event.

C. Exemption. Nothing in this Section prohibits law enforcement officers, medical professionals, firefighters, or their agents from being present at illegal motor vehicle speed contests, exhibitions of speed, or sideshows in the course of their official duties.

10.61.030 Relevant circumstances to prove a violation.

A. Notwithstanding any other provision of law, to prove a violation of section 10.61.020 of this chapter, admissible evidence may include, but is not limited to, any of the following:

1. The time of day;
2. The nature and description of the scene;
3. The number of people at the scene;
4. The location of the individual charged in relation to any individual or group present at the scene;
5. The number and description of motor vehicles at the scene;
6. The activities in which the motor vehicles are engaged;
7. Whether individual charged drove, walked, or was transported to the scene;
8. How long the individual charged was present at the scene of the event;
9. Whether the individual charged has previously participated in an illegal motor vehicle speed contest, exhibition of speed, or sideshow;
10. Whether the individual charged has previously aided and abetted an illegal motor vehicle speed contest, exhibition of speed, or sideshow;
11. Whether the individual charged has previously attended an illegal motor vehicle speed contest, exhibition of speed, or sideshow; or
12. Whether the individual charged previously was present at a location where preparations were being made for an illegal motor vehicle speed contest, exhibition of speed, or sideshow or where an illegal motor vehicle speed contest, exhibition of speed, or sideshow was in progress.

B. The list of circumstances set forth in subsection (a) of this section is not exclusive. Evidence of prior acts may be admissible to show the propensity of the individual charged to be present at or attend an illegal motor vehicle speed contest, exhibition of speed, or sideshow, if the prior act or acts occurred within three (3) years of the presently charged offense. These prior acts may be admissible to show knowledge on the part of the individual charged that an illegal motor vehicle speed contest, exhibition of speed, or sideshow was taking place at the time of the presently charged offense. Prior acts are not limited to those that occurred within the city.

10.61.040 Enforcement.

Any person who violates this chapter is guilty of a misdemeanor subject to a maximum of six (6) months in jail and a fine of \$1,000, unless at the discretion of the district attorney, the violation is reduced to an infraction. The city may seek compliance with this chapter by any remedy allowed under this code and any other remedy allowed by law, including but not limited to the administrative citation procedures set forth in PM 1.20.030. The amount of the administrative fine is \$1,000 for each violation.

Section 3. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

Section 4. Severability. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Section 5. Publication. The ordinance shall be posted and published in accordance with the California Government Code.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Pittsburg held on May 2, 2022, and was adopted and ordered published at a meeting of the City Council held on _____, 2022, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Holland Barrett White, Mayor

ATTEST:

Alice E. Evenson, City Clerk